

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LESLIE BRIGGS, as next friend of T.W. and
B.S.,
EVAN WATSON, as next friend of C.R., and
HENRY A. MEYER, III, as next friend of A.M.,
for themselves and for others similarly situated,

Plaintiffs,

v.

ALLIE FRIESEN, in her official capacity
as Commissioner of the Oklahoma Department
of Mental Health and Substance Abuse Services,
and
DEBBIE MORAN, in her official capacity as
Interim Executive Director of the Oklahoma
Forensic Center,

Defendants.

Case No. 23-cv-00081-GKF-JFJ

**DEFENDANTS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION TO SUBSTITUTE COUNSEL UNDER SEAL**

Defendants, Allie Freisen, in her official capacity as the Commissioner (the “Commissioner”) of the Oklahoma Department of Mental Health and Substance Abuse Services and Debbie Moran, in her official capacity as Interim Executive Director of the Oklahoma Forensic Center (together with the Commissioner, the “Defendants”), respectfully request leave to file under seal their *Supplemental Brief in Support of Motion to Substitute Counsel* pursuant to Local Rule LCvR5.2-2. In support, Defendants allege and state as follows:¹

1. The Defendants and the Attorney General completed briefing on the pending Motion to Substitute Counsel and the Attorney General’s Motion to Strike Attorney Appearances

¹ Before filing this Motion, the undersigned conferred with counsel for the Plaintiffs and the Attorney General in accordance with LCR47-4. Plaintiffs have no objection. The undersigned did not receive a response from the Attorney General so therefore presumes his objection.

by William W. O'Connor, Brian T. Inbody, John T. Ricker [sic], and Kristen P. Evans on December 6, 2024. [ECF Docs. 76-77, 88-91].

2. A central component of the Attorney General's contentions therein was that "[t]he alleged conflict at the heart of the motion to substitute no longer exists[,]” and “[t]he lack of any present alleged conflict is dispositive.” [ECF Doc. 88, at 1; ECF Doc. 90, at 2].

3. In accordance with Section 3.1(e) of the Oklahoma Bar Association Standards of Professionalism, Defendants did not attach relevant email communications between the Commissioner and the Attorney General that show a conflict of interest exists to the Motion to Substitute Counsel. [ECF Doc. 75, at p.5, n.5].

4. However, after the Parties completed briefing on the Pending Motions, additional communication via text messaging occurred between the Attorney General and the Commissioner that is directly relevant to the issues in the Pending Motions.

5. On November 13, 2024, the parties attended a Settlement Conference which led to the Amended Consent Decree. [ECF No. 82].

6. This Court approved the Amended Consent Decree, contingent on Legislative approval, at the Final Approval and Fairness Hearing held on January 15, 2025 (the “Hearing”).

7. At the Hearing, the undersigned volunteered to the Court to file Defendants' *Supplemental Brief in Support of Motion to Substitute Counsel* under seal.

8. The undersigned respectfully submits that the Court indicated at the Hearing that filing Defendants' *Supplemental Brief in Support of Motion to Substitute Counsel* under seal was reasonable in light of the facts set forth above.

9. On February 3, 2025, the Court entered a Minute Order granting *Defendants'* *Motion for Leave to File Supplemental Brief in Support of Motion to Substitute Counsel*. [ECF No. 106].

CONCLUSION

For the reasons set forth above, Defendants respectfully request that the Court grant them leave to file their *Supplemental Brief in Support of Motion to Substitute Counsel* and Exhibits attached thereto under seal.

Respectfully submitted,

**HALL, ESTILL, HARDWICK,
GABLE, GOLDEN & NELSON, P.C.**

s/William W. O'Connor

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Paul DeMuro
Frederic Dorwart
David W. Leimbach
Nick Southerland
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Class Counsel for Plaintiffs

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s/William W. O'Connor

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